

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WINDWARD BORA LLC,

Plaintiff,

-against-

ORDER ADOPTING R&R
18-CV-1727 (DRH)(SIL)

THOMAS STERLING, DOTHLYN
STERLING, THE BIG M INC, doing
business as Mande,

Defendants.

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HURLEY, Senior District Judge:

INTRODUCTION

Presently before the Court is the Report and Recommendation, dated November 8, 2018, of Magistrate Judge Steven I. Locke recommending that the Court (1) grant Plaintiff Windward Bora LLC's ("Plaintiff's") motion for default judgment against Defendants; (2) award damages to Plaintiff in an amount of \$104,299.73 for the outstanding principal balance, plus \$81,744.30 in accrued interest, plus *per diem* interest of \$20.70 until judgment is entered, plus post-judgment interest at the statutory rate; and (3) enter a Judgment of Foreclosure and Sale in a form substantially similar to the proposed judgment of foreclosure and sale submitted by Plaintiff, but consistent with the Report and Recommendation. The time to file objections has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the November 8, 2018 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for default judgment is granted and Plaintiff is granted principal damages in an amount of \$104,299.73, plus \$81,744.30 in accrued interest, plus *per diem* interest of \$20.70 until judgment is entered, plus post-judgment interest pursuant to 28 U.S.C. § 1961(a). Plaintiff is directed to file an updated Proposed Judgment of Foreclosure and Sale on or before December 31, 2018, that comports with the Report and Recommendation and sets forth Susan Ellen Rizos as the referee.¹

Dated: Central Islip, N.Y.
December 19, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge

¹ Plaintiff is directed to include Ms. Rizos' phone number and address in the Proposed Judgment.